

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Crosby & Overton, Incorporated
1610 West 17th Street
Long Beach, California 90813

ID No. CAD 028 409 019

Respondent.

Docket HWCA 2010-2468

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1 Parties. The California Department of Toxic Substances Control (Department) and Crosby & Overton, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2 Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 1610 West 17th Street, Long Beach, California 90813 (Site).

1.3 Inspection. The Department inspected the Site on April 23, 24, and May 4, 5, 2009.

1.4 Authorization Status. The Department has authorized the Respondent to treat and store hazardous wastes at the Site. A Hazardous Waste Facility Permit (Permit) was issued on July 1, 1993 with expiration date of July 1, 2003. Respondent timely submitted its permit renew package in December 16, 2002. Respondent continues to operate under the existed Permit until the issuance of new Permit.

1.5 Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6 Full Settlement. A dispute exists regarding the violations alleged. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair,

reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as provided in this Order.

1.7 Hearing. Respondent waives any and all rights to a hearing in this matter.

2. VIOLATIONS ALLEGED

2.1 The Department alleges the following violations:

2.1.1 Respondent violated California Code of Regulations, title 22, section 66264.171, in that on or about April 23, 2009, Respondent held hazardous wastes in a container not in good condition. Respondent failed to transfer the hazardous waste from containers not in good condition to containers that are in a good condition.

2.1.2 Respondent violated California Code of Regulations, title 22, section 66264.31 in that on or about April 23, 2009, Respondent failed to minimize the possibility of a release of hazardous waste constituents.

2.1.3 The Respondent violated California Code of Regulations, title 22, section 66264.15, subsections (a), (c) & (d), in that on or about April 23, 2009, Respondent failed to inspect and remedy the Site for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to release of hazardous waste constituents to the environment. In addition, Respondent failure to record the notation and remedial action in the inspection log.

2.1.4 The Respondent violated California Code of Regulations, title 22, section 66264.73, subsection (b), in that on or about May 4, 2009, Respondent failed to record the methods and dates of the received hazardous wastes' transfer, treatment, storage, or disposal at the Site, the location of each hazardous wastes within the Site and the quantity at each location.

2.1.5 The Respondent violated California Code of Regulations, title 22, section 66264.1084, subsection (g), in that on or about April 23, 2009, Respondent failed to maintain the integrity of the tank system to minimize the exposure of hazardous waste to the atmosphere.

3. SCHEDULE FOR COMPLIANCE

3.1 Respondent shall comply with the following:

3.1.1 Respondent has corrected all the violations set forth above.

3.1.2 Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1 Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2 Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3 Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4 Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1 Respondent shall pay the Department the total penalty of \$40,000.

5.2 Payment of the total penalty \$40,000.00 specified in paragraph 5.1 is due in four installments. Respondent shall pay the Department a first installment of \$10,000.00 on or before October 1, 2010. Respondent shall pay the second and third installments of \$10,000.00 each on or before December 1, 2010 and February 1, 2011 accordingly. Respondent shall pay the forth and final installment of \$10,000.00 on or before April 1, 2011.

5.3 Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the

caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control Accounting Office
1001 "I" Street, 21st floor
P.O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mukul Agarwal
Supervising Hazardous Substances Scientist
Enforcement & Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

and

Debra Schwartz,
Senior Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

5.4 If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1 The effective date of this Order is the date it is signed by the Department.

Dated: September 17, 2010

Original signed by Ron Daerr
Ron Daerr, Environmental Compliance
Manager Crosby & Overton Incorporated
Respondent

Dated: September 27, 2010

Original signed by Mukul Agarwal
Mukul Agarwal, Unit Chief
Enforcement and Emergency Response
Department of Toxic Substances Control